

No. 24-13696

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

TIMOTHY DRISCOLL,

Defendant-Appellant

v.

MICHELLE A. WOJCIECHOWSKI,

Plaintiff-Appellee

Appeal from the United States District Court for the Middle District of
Florida (Tampa Division)

8:23-cv-01885-SDM-TGW (Hon. Steven D. Merryday)

**UNOPPOSED FIRST MOTION FOR 30-DAY EXTENSION OF TIME TO
FILE RESPONSIVE BRIEF BY PLAINTIFF-APPELLEE**

Kevin K. Ross-Andino, Esq.
Jolynn M. Falto, Esq.

Quintairos, Prieto, Wood & Boyer,
PA

255 South Orange Ave., Suite 900
Orlando, Florida 32801
Phone: (407) 872-6001
Counsel for Plaintiff-Appellee

**CERTIFICATE OF INTERESTED PERSONS AND CORPORATE
DISCLOSURE STATEMENT**

No. 24-13696

Counsel for Plaintiff- Appellee certifies, pursuant to Federal Rule of Appellate Procedures 26.1 and the Eleventh Circuit Rule 26.1-1, that the following may have an interest in the outcome of this case:

1. Michelle Wojciechowski, Plaintiff;
2. Kevin K. Ross-Andino, Esq., counsel for Plaintiff;
3. Crisol Lopez Palafox, Esq., counsel for Plaintiff;
4. Jolynn Marie Falto, Esq., counsel for Plaintiff;
5. Nicola Pappas Hudson, Esq., counsel for Plaintiff;
6. City of New Port Richey;
7. Donovan Adam Roper, Esq., Counsel for City of New Port Richey;
8. Nicholas Napolitano, Esq., Counsel for City of New Port Richey;
9. Charles Morgan;
10. Andrew I. Dayes, Esq., Counsel for Charles Morgan;
11. Timothy Driscoll, Esq.;
12. Sean M. Conahan, Esq., Counsel for Timothy Driscoll;
13. Nikolaos Koutsos;
14. Tammy Ledford;
15. Debbie Manns;

16. Robert Marlow;
17. Erik Jay;
18. Alec Remiesiewicz;
19. Karen Norris;
20. Lisa Byington;
21. Greg Williams;
22. Joe Ioppolo;
23. Ed Campbell;
24. Todd Gee;
25. Adam Darling;
26. Chris Bowman;
27. Dave Gilson;
28. Creative Loafing, Inc.;
29. Justin Garcia; and
30. Steven D. Merryday, United States District Judge of the United States District Court for the Middle District of Florida.
31. Quintairos, Prieto, Wood & Boyer, PA

**UNOPPOSED MOTION FOR 30-DAY EXTENSION OF TIME TO FILE
RESPONSIVE BRIEF BY PLAINTIFF-APPELLEE**

Plaintiff-Appellee, by and through undersigned counsel, respectfully seeks a 30-day extension of time, through and including February 24, 2025, to file her responsive brief and states the following in support thereof.

1. This is an interlocutory appeal of Defendant-Appellant's Motion to Dismiss Count V of Plaintiff-Appellee's Amended Complaint.

2. Count V of the Amended Complaint at issue is a Malicious Prosecution action against Timothy Driscoll for various violations of the law. The litigation as a whole surrounds several civil rights violations against Plaintiff-Appellee by the various Defendants, which includes the Defendant-Appellant.

3. Plaintiff-Appellee Wojciechowski filed a written Response in Opposition to the Motion to Dismiss the Amended Complaint [Doc. 61]. The Court entered an Order [Doc. 72] as to the Motion, granting in-part Driscoll's Motion to Dismiss. The interlocutory appeal followed.

4. On or about December 23, 2024, the Defendant-Appellant filed his Initial Brief [Doc. 15], thereby making the responsive brief initially due on January 23, 2025 and the appendix due seven (7) days thereafter.

5. Plaintiff-Appellant was fully prepared and able to adhere to this Court's deadline to file the responsive brief by January 23, 2025.

6. Unfortunately, and unexpectedly, after a change of employment of the undersigned counsel and her partner (Mr. Kevin K. Ross-Andino) and joining Quintairos, Prieto, Wood & Boyer, counsels' previous schedule was significantly disrupted with several transferred matters set for trial during the last weeks of January and the first weeks of February 2025.

7. The other firm attorneys have been diligently adjusting their respective schedules and prior commitments to assist and accommodate the caseload and obligations (including the drafting and filing of the responsive brief at issue). However, the other firm lawyers already had other prior scheduled depositions, court filings, and other typical case obligations that previously existed, thereby creating several scheduling conflicts for the undersigned counsel to accommodate.

8. Mr. Ross, who is lead counsel for the Plaintiff-Appellee, is a lawyer with 30 years of experience; his oversight and input into the brief is imperative and is in the best interests of the client and cannot be substituted. Further, as lead counsel, he is the attorney with knowledge of critical information related to this matter and is the attorney who has had direct communications with the Plaintiff-Appellee.

9. Moreover, counsel must *also* respond to Defendant-Appellant's Motion for Summary Judgment filed in the underlying matter on nearly the same issue presented in his appeal. Additionally, counsel must file responses in opposition to the Daubert Motions filed in the underlying matter. Further, the deposition of the

Plaintiff-Appellee is set to occur on January 21, 2025 and there is a large discovery dispute pending between the parties, including a hearing on January 28, 2025 where the Middle District of Florida will address the issues raised by Plaintiff-Appellee in the underlying claim. Each of these items referenced above are due or set to occurring within the last two weeks of January and the first few weeks of February.

10. As a result of the extraordinary, unknown, and unanticipated circumstances described above, Plaintiff-Appellee respectfully request that this Court allow thirty (30) days, through and including Monday, February 24, 2024 to file her responsive brief. The undersigned respectfully asserts that the totality of the circumstances warrant granting the requested extension of time. Counsel does not anticipate any further extensions for the Plaintiff-Appellee to file her responsive brief.

11. Counsel for Defendant-Appellant has no objections to the relief requested herein.

[Intentionally Left Blank]

WHEREFORE, Plaintiff-Appellee, Wojciechowski, respectfully requests that this Court grant a 30-day extension of time to file her responsive brief, through and including Monday February 24, 2025.

/s/ Jolynn M. Falto

Jolynn M. Falto, Esq.

FBN: 1002743

Kevin K. Ross-Andino, Esq.

FBN: 66214

Quintairos, Prieto, Wood & Boyer,
PA

255 South Orange Ave., Suite 900

Orlando, Florida 32801

Phone: (407) 872-6001

Counsel for *Plaintiff-Appellee*

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 27(d)(2)(A), I hereby certify that the foregoing motion contains 613 words and complies with the typeface and type-style requirements of Federal Rule of Appellate Procedure 32(a)(5) and (6) because it was prepared using Microsoft Word Times New Roman 14-point font, which is proportionally spaced.

/s/ Jolynn M. Falto
Jolynn M. Falto, Esq.
FBN: 1002743

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via the CM/ECF System on this 13th day of January 2025 to all counsel of record.

/s/ Jolynn M. Falto
Jolynn M. Falto, Esq.
FBN: 1002743